

Order below Exh.1 in Cri. Bail Application No.122/2022.

[Daulat Namdeo Gorhe Vs. State]

The present application is moved by the applicant-accused Daulat Namdeo Gorhe for bail in connection with CR No.881/2021 registered with Trimbakeshwar Police Station for the offence under section 307 r.w.s.34 of the Indian Penal Code. This is regular bail application filed first time by the applicant-accused.

2. It is stated in the application that this applicant-accused was came to be arrested on 10.12.2021 and was remanded to police custody till 14.12.2021 and since then he in MCR. It is further alleged that he is arrested only on suspicion. He has no role in the crime, further custodial detention is not required. He is ready to co-operate with the investigation, this and other grounds set out in the application, he prayed to allow the application.

3. Prosecution has opposed the application. I.O. is present and submitted his report.

4. Heard, both the parties.

5. The learned counsel for applicant-accused Shri. A.A. Kardile submitted that the accused is in jail since his arrest. Substantial investigation is completed. No purpose will be served by keeping the applicant-accused behind the bar. Injured is also discharged from the hospital and therefore, he prayed to release the applicant-accused on bail.

6. On the other hand, learned APP Shri. Survanshi has submitted that present applicant-accused has active role in commission of the crime. He has inflicted lethal blow on the head

of the injured. He read over statement of injured recorded by the I.O. He also pointed out the medical certificates, showing the gravity of the injuries sustained by the injured and therefore, he submitted that there is prima-facie case against the applicants-accused and therefore, opposed the bail application.

7. I.O. Smt. Ashwini Tile has submitted that the weapons used in the commission of crime are recovered at the instance of accused Kunal Ekhande.

8. On perusal of the entire record, it appears that the alleged incident took place on 8.12.2021 at about 12.30 a.m., when the son-in-law of the first informant was sleeping in his Shivalay lodge situated at Trimbakeshwar and the door was knocked of the room, when he came out side the room, accused have suddenly attacked on him. They inflicted lethal blow of sickle on his head. The accused Akhil Vatane was working in the lodge prior to six month to the incident, however, he was removed from the service by the injured as he suspect the illegal relationship of Akhil Vatane with his wife.

9. The FIR lodged the father-in-law of injured discloses that prior to one 2/3 month, the accused Akhil Vatane met with this first informant at Amboli 'T' Point and stated that he had disclosed his ill intention against the injured Manoj Pawar. Thus, on the background of this threatening the incident dated 8.12.2021 had occurred. From the statement of injured Manoj Pawar recorded by the I.O. reflects that both the accused persons were holding sickle. They brutally assaulted on the head of injured. The medical certificates placed on record issued by Civil Hospital, Nashik, Suvichar Hospital, Nashik and Dr.Vasantrao Pawar Medical College

Hospital and Research Centre, Nashik disclosed that there are multiple contusions and incised wound on scalp fracture on skull. Both the injuries are grievous and by sharp object.

10. It appears that the injured was admitted in the Hospital from 8.12.2021 to 23.12.2021. Thus, from the above record it appears that the present applicant-accused had taken active part in commission of the crime. He was present at the place and time of incident and played his role at par with accused Akhil Vatane. His name is appearing in the statement of injured. Therefore, considering the fact that there is strong case against the applicant-accused. Injured is recently discharged from the Hospital. However, considering the seriousness of his injuries, I am not inclined to allow present bail application. Hence, following order.

ORDER

- i) Bail application No.122/2022 is hereby rejected.
- ii) Informed to all concerned accordingly.

Date- 04.02.2022

(M. A. Shinde)
Additional Sessions Judge-8,
Nashik.